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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,129	01/08/2002	Niel Raymond Nickolaisen	01545.023	2045

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EXAMINER

DANG, THANH HA T

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,129

Applicant(s)

NICKOLAISEN ET AL.

Examiner

Thanh-Ha Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/08/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are rejected in this Office Action.

This Action is made Final.

Response to Amendment

2. Receipt of Applicant's Amendment, filed on July 9, 2005 is acknowledged.
3. 35 USC 101 Rejection of Claims 4-5, 9 and 15 is maintained.

Specification Objection

4. The amendment filed July 9, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- "The action of backup of data ...", Specification [0026].
- "Policy containing generic conditions, thresholds, and actions and being capable of easy modification for a specific application is referred to as generic policy", Specification [0026].

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

5. Claims 1-6, 9 and 15 are objected to because of the following informalities:

- "... generally easy ..." recited in the above mentioned claims render the claims indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4, 5, 9, and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 4 recites a method of producing generic policy that comprises the steps of "providing a policy ... devices", "accepting ... authentication", "optionally revising ... policy", "qualifying ... policy", "qualifying ... policy; "placing ... database", and "providing ... system". The steps are broadly recited, without regard to any tangible way of implementing them that they are directed to the abstract idea. The abstract idea comprising the steps are not instantiated into some specific physical implementation which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Claim 5 recites a method of providing generic policy that comprises the steps of "providing a policy ... devices", "searching ... database", "retrieving ... policy", "modifying ... policy", and "installing ... device". The steps are broadly recited, without regard to any tangible way of implementing them that they are directed to the abstract idea. The abstract idea comprising the steps are not instantiated into some specific physical implementation which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Claim 9 recites a method of providing generic policy that comprises the steps of "providing a policy ... devices", "providing ... database", "receiving ... identifier", and "delivering ... identifier". The steps are broadly recited, without regard to any tangible way of implementing them that they are directed to the abstract idea. The abstract idea comprising the steps are not instantiated into some specific physical implementation which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Claim 15 recites a method of development and distribution of generic policy that comprises the steps of "accepting ... policy", "development ... policy", "entering ... database", and "providing ... retrieved". The steps are broadly recited, without regard to any tangible way of implementing them that they are directed to the abstract idea. The

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abstract idea comprising the steps are not instantiated into some specific physical implementation which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Examiner suggests the use of "computer-implemented method" in place of "method" in order to make the claim describes statutory subject matter.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,587,876 issued to Mahon et al. ("Mahon").

As to **claim 1**, Mahon teaches "a policy repository, comprising:

- a database" (Figure 6, wherein block640 illustrates a database, column 8, lines 21-23);

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- “policy stored in said database, said policy providing generic conditions of evaluation, thresholds and actions, said policy being generally easy to modify for specific application of enterprise devices” (Figures 2-4 illustrate policy stored in database, column 4, lines 4-17);
- “a retrieval facility for retrieving policy from said database” (Figures 7 and 10, wherein block740 and block1040 function as a retrieval facility, column 9, lines 49-51 and column 11, lines 57-59); and
- “optionally an authentication facility whereby access through said retrieval facility may be restricted” (Figures 2 and 3, wherein each policy explicitly assigned to its own target shows that its access may be restricted, column 5, lines 39-46).

As to **claim 2**, Mahon teaches “a policy repository system, comprising:

- a database designed to contain generic policy” (Figure 6, wherein block640 illustrates a database, column 8, lines 21-23);
- “a retrieval facility whereby the generic policy may be retrieved from said database” (Figures 7 and 10, wherein block740 and block1040 function as a retrieval facility, column 9, lines 49-51 and column 11, lines 57-59);
- “optionally an authentication facility whereby access through said retrieval facility may be restricted” (Figures 2 and 3, wherein each

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policy explicitly assigned to its own target shows that its access may be restricted, column 5, lines 39-46);

- “one or more transferential systems operating to receive policy from said database, said transferential systems being connected to an enterprise” (Figures 6-8 and 9-11, wherein block510 functions as the transferential system to receive policy from the database, column 8, lines 11-67; column 9, lines 1-32; column 10, lines 19-67 and column 11, lines 1-40); and
- “a central information system in electronic communication with said transferential systems, said central information system enabled to provide enterprise device status to administrators” (Figures 6-8 and 9-11, wherein block510 represents a central information system which provide enterprise device status to administrators, column 8, lines 36-39).

Claims 3-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,842,906 issued to Michel K. Bowman-Amuah (“Bowman-Amuah”).

As to **claim 3**, Bowman-Amuah teaches “a policy repository system, comprising:

- a database designed to contain indexed generic policy” (Figure 14, wherein block1402 illustrates a database which contains indexed generic policy, column 49, lines 4-6);

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- “a retrieval facility in communication with said database, said retrieval facility operating to retrieve generic policy contained in said database” (Figure 14, wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7);
- “a search facility in communication with said database, said search facility accepting search parameters, said search facility operating to locate policy of said database in conformance with the search parameters” (Figure 14, wherein block1412 functions as a search facility, column 53, lines 1-4, column 54, lines 49-67, and column 55, lines 1-47);
- “an entry facility in communication with said database, said entry facility accepting generic policy with index information, said entry facility also delivering the generic policy and the index information to said database” (Figure 14, column 53, lines 6-11);
- “an interface whereby an administer may operate the retrieval, search, and entry facilities” (column 106, lines 13-37);
- “optionally an authentication facility whereby access through said retrieval, search, and entry facilities may be restricted” (Figure 14 (block1410), column 52, lines 19-64 and column 82, lines 8-60);
and

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- “one or more enterprise management systems operating to receive policy from said database, said enterprise management systems being connected to an enterprise” (column 74, lines 41-67 and column 75, lines 1-67).

As to **claim 4**, Bowman-Amuah teaches “a method of producing generic policy for application to enterprises, the method comprising the steps of:

- providing a policy database designed to contain generic policy” (Figure 14, column 48, lines 56-67 and column 49, lines 1-7);
- “accepting new generic policy, optionally through authentication” (Figure 14, column 54, lines 20-27);
- “optionally revising the new generic policy” (Figure 14, wherein block1408 supports document maintenance which equivalently includes revising and/or updating of document/policy, column 51, lines 42-44, and column 54, lines 20-27);
- “qualifying the new generic policy to produce accepted generic policy” (column 48, lines 56-60);
- “placing the accepted policy to the policy database” (column 51, lines 42-44); and
- “providing a retrieval facility whereby accepted generic policy may be retrieved from the database, optionally through authentication, the retrieved policy being easily modifiable and installable to an enterprise management system” (Figure 14, wherein block1412

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and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7).

As to **claim 5**, Bowman-Amuah teaches “a method of providing generic policy for application to enterprises, the method comprising the steps of:

- providing a policy database whereby generic policy has been entered, said database providing an index for said policy” (Figure 14 illustrates a policy database whereby generic policies including access, security, indexing (to search and/or retrieve), and storage (to store) are defined);
- “searching the policy database using a search criteria, said searching indicating corresponding policy of the database” (Figure 14, wherein block1412 functions as a search facility, column 53, lines 1-4, column 54, lines 49-67, and column 55, lines 1-47);
- “retrieving from the policy database at least a portion of the corresponding policy” (Figures 14 and 158 (block15802), wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28);
- “modifying the corresponding policy for a specific application of an enterprise device producing modified policy” (column 51, lines 42-44); and

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- “installing the modified policy to an enterprise management system in communication with the enterprise device, such that the modified policy is utilized for the enterprise device” (column 48, lines 56-60).

As to **claim 6**, Bowman-Amuah teaches “a system for retrieving generic policy for enterprise management systems, comprising:

- a database adapted to contain generic policy” (Figure 14, column 48, lines 56-67 and column 49, lines 1-7);
- “a retrieval facility in communication with said database, said retrieval facility operating to retrieve generic policy contained in said database” (Figure 14, wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7).

As to **claim 7**, Bowman-Amuah teaches “a search facility in communication with said database, said search facility accepting search parameters, said search facility operating to locate policy of said database in conformance with the search parameters” (Figure 14, wherein block1412 functions as a search facility, column 53, lines 1-4, column 54, lines 49-67, and column 55, lines 1-47).

As to **claim 8**, Bowman-Amuah teaches “an entry facility in communication with said database, said entry facility accepting generic policy with index information, said entry facility also delivering the generic

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policy and the index information to said database" (Figure 14, column 53, lines 6-11).

As to **claim 9**, Bowman-Amuah teaches "a method of providing generic policy to administrators of enterprise management systems, comprising the steps of:

- providing a policy database designed to contain generic policy" (Figure 155, wherein block15502 illustrates a policy database);
- "providing means of retrieving policy from the database" (Figure 158 (block15802), column 276, lines 38-40);
- "receiving at least one policy identifier" (Figure 54, wherein block5410 receives the policy identifier, column 192, lines 60-63); and
- "delivering policy contained in said database referenced with the policy identifier" (column 276, lines 45-48).

As to **claim 10**, Bowman-Amuah teaches "the steps of:

- providing means of searching for policy in the database" (Figure 14, wherein block1412 functions as a search facility, column 53, lines 1-4);
- "receiving policy search criteria" (column 54, lines 49-67, and column 55, lines 1-47);
- "searching the database using the search criteria" (column 54, lines 49-67, and column 55, lines 1-47);

- “identifying policy conforming to the search criteria” (column 54, lines 49-67, and column 55, lines 1-47).

As to **claim 11**, Bowman-Amuah teaches “the search criteria includes a device type” (column 54, lines 25-27).

As to **claim 12**, Bowman-Amuah teaches “the search criteria includes a usage type” (column 54, lines 50-67 and column 55, lines 1-14).

As to **claim 13**, Bowman-Amuah teaches “the search criteria includes a use case” (column 181, lines 13-17).

As to **claim 14**, Bowman-Amuah teaches “the steps of:

- providing an entry facility whereby generic policy may be added to the database” (Figure 14, column 51, lines 42-44);
- “receiving generic policy with index information” (Figure 14, column 53, lines 6-11);
- storing the generic policy to the database with the index information” (Figure 14, column 53, lines 6-11).

As to **claim 15**, Bowman-Amuah teaches “a method of development and distribution of generic enterprise policy, comprising the steps of:

- accepting submission of first policy” (Figure 131, column 250, lines 52-67);

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- “development of first policy to produce second policy, said development including testing or modification of said first policy” (column 250, lines 23-26);
- “entering said second policy to a policy database” (column 51, lines 42-44);
- “providing access to the policy database whereby the second policy may be retrieved” (Figure 14, wherein block1412 and block1408 serve as a retrieval facility, column 52, lines 65-67, column 53, lines 1-4, column 54, lines 19-28; Figure 158, column 276, lines 38-67, and column 277, lines 1-7).

As to **claim 16**, Bowman-Amuah teaches “the access to the policy database is restricted by authentication” (column 52, lines 20-64 and column 82, lines 9-60).

As to **claim 17**, Bowman-Amuah teaches “accepting submission of first policy is restricted by authentication” (Figure 131, column 250, lines 48-67).

Response to Arguments

1. Applicant's arguments filed July 9, 2005 have been fully considered but they are not persuasive. Examiner respectfully maintains the rejection cited for the following reasons:
 - The Specification does not have a particular definition for the term ‘generic’. According to Merriam-Webster Dictionary, generic means

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“having no particularly distinctive quality or application”. Therefore, the references cited read on generic policy.

- Policy evaluation (Bowman-Amuah, column 113-121, lines 1-67 and column 122, lines 1-31; Mahon, abstract) and threshold (Bowman-Amuah, column 230, lines 5-6, wherein a count mechanism that defines the maximum number of data to search is equivalent to a threshold).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh-Ha Dang
Examiner
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